



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: MARKETXT HOLDINGS CORP. :  
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08 Civ. 6936 (RMB)

**ORDER OF DISCONTINUANCE**

Based upon the Appellant's failure to appear before the Court at the conference on August 20, 2008 and the Appellant's failure timely to file the designation of the items to be included in the record on appeal and a statement of the issues to be presented in accordance with Federal Rules of Bankruptcy Procedure 8006, it is hereby

**ORDERED**, that the above-entitled action be, and the same hereby is, discontinued; provided, however, that the Appellant may apply, on or before September 4, 2008 (noon), by letter (with authorities) demonstrating "excusable neglect" and why this action should be restored to the calendar of the undersigned. Motion [#7] to continue the conference scheduled for August 20, 2008 hereby is denied.

**SO ORDERED.**

Dated: New York, New York  
August 20, 2008

**RMB**

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Richard M. Berman, U.S.D.J.